



KANSAS CITY MISSOURI POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

03-22-2017

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03-22-2017

NO.

17-05

SUBJECT

Arrest Guidelines/Procedures

AMENDS

REFERENCE

RSMo Sections: 84.710, 479.350, 544.155, 544.157, 544.170, 544.180, 544.193, 544.210

P.I.: Ambulance Calls and Arrests Taken to Hospitals; Arrests Procedures – Possession of a Controlled Substance; Contact with Foreign Nationals; Detaining & Questioning and Search & Seizure Procedures; Juvenile Procedures; Prisoner's Personal Property Procedure; Towing/Protective Custody of Vehicles and Contents; Recovered Property Procedures User Guides

Corrections Management System(CMS) Training Guide

Kansas Statutes Annotated (K.S.A. 22-2401, K.S.A. 22-2404)

RESCINDS

DM's 99-11, 03-11, 05-5, 05-10, 05-13, 05-21, 10-2, 11-7, 12-3, 13-4, 13-16, 14-02, 15-08, 16-10

P.I. 03-09 and 03-09A

I. INTRODUCTION

This written directive establishes administrative guidelines and procedures for effecting arrests with or without warrants.

II. TERMINOLOGY

- A. **Body Cavity Search** – The inspection of an arrestee's anus or genitalia, including but not limited to inspections conducted visually, manually, or by means of any physical instrument (RSMo.544.193).
- B. **Citation** – The Uniform Traffic Ticket (UTT) will be referred to hereafter as a "Citation."
- C. **Contact and Advise** (formerly Questioning Advisory) – A record intended to provide a way to let sworn members know of an interest to interview the person named in the record. No probable cause for arrest exists.
- D. **Custodial Arrest Inventory** – All custodial arrests require an inventory of any closed containers and personal property such as bags, backpacks, purses, suitcases, briefcases, and like items.
- E. **Custodial Arrests** –When a person is placed under arrest for a municipal ordinance violation, investigation arrest, or state/federal violation by a sworn member and then transported to a detention facility.
- F. **Custodial Search/Search Incident to Arrest** – The thorough examination of an arrestee's clothing. Clothing will include all inner and outer coverings worn on their person (e.g., pants, shirt, coat, hat, gloves, etc.). Such searches must adhere to the limitations "relating to strip searches and/or body cavity searches." (RSMo. 544.193)
- G. **E-Ticketing** – Regional Justice Information System (REJIS) ticketing application installed on a mobile handheld device.

- H. **Exigent Circumstances** - An emergency demanding immediate action by a sworn member with insufficient time for the sworn member to obtain a search warrant or court order.
1. This authority is normally invoked when human life is endangered by an accident, sudden illness, or criminal activity.
 2. Members should thoroughly articulate the circumstances in case reports.
- I. **Fresh Pursuit** – A police pursuit, whether by vehicle or foot, which is:
1. initiated within the peace officer's jurisdiction,
 2. immediate, meaning instant pursuit,
 3. consistent with reasonable police safety practices,
 4. conducted for the purpose of stopping the vehicle or apprehending the person (RSMo. 544.157).
- J. **Kansas Uniform Fresh Pursuit Law** – Allows a Missouri sworn member to immediately pursue a person into Kansas in order to arrest the person for committing a crime, such as a misdemeanor or felony offense, and grants the Missouri sworn member the same authority of arrest as a Kansas officer. There is also a requirement that the Missouri sworn member take the arrest before a judge in that state without delay (Kansas Statutes Annotated K.S.A. 22-2401).
- K. **Local (KCPD) State Warrant** – Issued by the Jackson County Associate Circuit Court for offenses investigated by this Department. Local (KCPD) state warrants are maintained on file at the Warrant Desk and are identified in the computer by the ORI MOKPD0000 and a KCPD case report number.
- L. **Locate Message** – Indicates a temporary change in record status in the National Crime Information Center (NCIC) and/or Missouri Uniform Law Enforcement System (MULES) file. The message is sent by the agency locating a person or property previously entered by another agency.
- M. **Missouri State Warrant** – Any felony, misdemeanor, or county municipal warrant issued by any county within the state of Missouri with the exception of a Local (KCPD) State Warrant.

- N. **Missouri Uniform Fresh Pursuit Law** – A law which provides that a sworn member from another state may enter into Missouri in fresh pursuit in order to arrest a person who is believed to have committed a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content in such other state.
1. The law gives the sworn member of the other state the same authority of arrest as a Missouri sworn member.
 2. The law further provides that if a sworn member of another state is going to make an arrest in Missouri, the person being arrested must be taken before a judge without delay in order to determine the validity of the arrest (RSMo. 544.155).
- O. **Mobile Ticketing** – REJIS ticketing application installed on a laptop/desktop computer for entering and printing of subpoenas, citations, summons, and warnings.
- P. **Non-Custodial Arrests** - When a sworn member issues a citation/summons and releases the person from the scene (i.e., signature bond).
- Q. **Person of Interest** – A notice that a person is wanted for questioning or is a person of interest in a crime.
1. This record is not utilized within KCPD.
 2. This record is only utilized by outside agencies.
 3. Members will contact the appropriate outside agency listed on the record to determine proper handling with the person.
- R. **Probable Cause** – A set of facts and circumstances available to the sworn member upon inquiry which warrants a person of reasonable prudence and caution to believe that certain items may be contraband, stolen property, or subject to seizure as evidence of a crime or that a crime has been committed and that the suspect has committed the crime.
- S. **Protective Sweep** – The purpose of a protective sweep is to ensure the security and safety of the sworn member, not to secure evidence.
- T. **Serious Offense** – A crime, in which violence is involved, such as rape, robbery, serious assault, or murder.

- U. **Significant Passage of Time** – In the context of fresh pursuit, constant visual contact is not required. If a vehicle or person goes momentarily out-of-sight, but immediately comes back into sight, (e.g. going over a hill) the sworn member would not have "lost contact" within the meaning of the statute. However, a significant passage of time could be as little as a minute or two if the pursuing sworn member lost contact and was not in view of the vehicle or person being pursued.
- V. **Strip Search** – The removal or rearrangement of some or all of the clothing of a person so as to permit an inspection of the genitals, buttocks, anus, breasts, or undergarments of such person including, but not limited to, inspections conducted visually, manually, or by means of any physical instrument (RSMo. 544.193).
- W. **Summons** – The General Ordinance Summons (GOS) will be referred to hereafter as a "Summons."
- X. **Temporary Wants** – A record entry in MULES/NCIC without the existence of a signed warrant, provided that the entering agency has probable cause to believe that the person has committed a felony, may attempt to flee to avoid capture, and the agency is in the process of procuring an arrest warrant from a court. Temporary wants may also be entered upon the discovery of an escape from custody.
- Y. **Trial De Novo Warrant** – Issued by a Jackson County Circuit Court Judge after a case has been appealed from the Jackson County Circuit Court, 16th Judicial Circuit of Missouri, Kansas City Municipal Division, and the person fails to appear.
- Z. **Want** – A notice that a person is wanted based upon probable cause from an active investigation.
- AA. **Warrant Verification** – A process of contacting, by telephone or hit confirmation (teletype) message, the agency issuing the warrant to determine:
 - 1. If the warrant is valid (outstanding).
 - 2. If the person in custody is the same person named/described in the warrant.
 - 3. If the originating agency will extradite.
- BB. **Writs of Attachment** – Issued by the Jackson County Circuit Court, 16th Judicial Circuit of Missouri, Kansas City Municipal Division, for victims/witnesses who fail to appear in court as directed by a subpoena.

III. TABLE OF ANNEXES

This directive is arranged in annexes for easy reference.

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Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2017.

Alvin Brooks
Board Vice President

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AUTHORITY TO ARREST

A. Effecting an Arrest

1. The verbal command of a sworn member to a person that they are under arrest and the submission of the person to such command or the physical restraint of the person is all that is necessary to constitute an arrest (RSMo. 544.180).
2. An arrest outside the city limits should be effected by the appropriate jurisdictional authority except in fresh pursuit as outlined in Section D of this Annex.

B. Authority to Arrest Without a Warrant

1. No person will be arrested, booked, or charged unless the sworn member has probable cause to believe the person has committed the specific crime for which they are being arrested.
 - a. Probable cause, including the facts and circumstances leading to the arrest, must be included in all reports relating to the arrest and charge.
 - b. The arrest cannot be based solely on reasonable suspicion nor can it be justified by facts and circumstances developed after the arrest.
 - c. The mere presence of a companion with the arrestee is not enough to establish probable cause to believe the companion is an accomplice.
2. Any detention or seizure of a person that is not based on probable cause or a warrant could make any physical evidence seized, statements made by the suspect or statements taken by the sworn member inadmissible in court. Members will refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
3. While within the city limits, sworn members may arrest on view any person they see violating or have probable cause to believe they violated, any state law, or city ordinance, or whom they believe is a fugitive felon from another state or jurisdiction (RSMo. 84.710).
4. An arrest without a warrant but based on probable cause can be made in any public place.

5. An arrest without a warrant but based on probable cause can be made in a **private place** (e.g., home, residence, or other place) where a person expects privacy when one of the following occurs:
 - a. Sworn members have been given verbal consent to enter or have a Consent to Search, Form 155 P.D., signed by the person who has the apparent legal capacity to consent.
 - b. Exigent circumstances exist if at the time of entry:
 - (1) Sworn members have a reasonable belief that unless they enter there is an immediate threat of injury or death to a person.
 - (2) Sworn members are in fresh pursuit of a fleeing suspect that they have probable cause to arrest for a serious felony that has been freshly committed.
 - (3) Sworn members have probable cause to believe that critical evidence will be removed or destroyed unless the arrest is made immediately.
 - c. Sworn members have begun to physically effect an arrest in a public place and the suspect attempts to defeat the arrest by escaping into a private premise. Under these conditions, the sworn members would be justified in entering the private premise to complete the arrest.

C. Authority to Arrest with an Arrest Warrant

1. Whenever practical, the sworn member will obtain a warrant before initiating an arrest.
2. An arrest based on an outstanding, valid arrest warrant issued within the state of Missouri can be made in:
 - a. A public place or anywhere an individual does not have an expectation of privacy.
 - b. A private place:
 - (1) At a third party's private premise if:
 - (a) A search warrant had been obtained for that private premise, **or**
 - (b) Exigent circumstances exists, **or**
 - (c) The person who possesses common authority over the premise gives consent to search.

- (2) At the named person's residence, when sworn members have:
 - (a) An arrest warrant for the named person, **and**
 - (b) Reasonable belief the person resides at the premise to be entered, **and**
 - (c) Reason to believe the person is present at the time the warrant is executed.
- 3. Sworn members should be mindful of the following facts prior to the execution of an arrest warrant:
 - a. The warrant must be executed within the jurisdictional limits of the sworn member unless otherwise provided for by law.
 - b. The sworn members will verbally announce the intent to arrest the person named in the warrant.
 - c. Sworn members must knock first and announce their identity unless there are exigent circumstances.
- 4. Any reasonable doubt as to the correct identity of the arrestee as the person named in the arrest warrant should be resolved at the scene.
 - a. The person should not be taken into custody until verification of their identity is obtained.
 - b. Sworn members should contact their supervisor for questions regarding verification of the identity of an arrestee.
- 5. Persons arrested on outside municipal warrants issued within the state of Missouri will be transported to the appropriate detention facility.

D. Fresh Pursuit Outside City Limits

- 1. Sworn members may continue outside their jurisdiction in fresh pursuit only under the following circumstances:
 - a. Fresh pursuit must be initiated immediately and from within the sworn members jurisdiction, **and**
 - b. Fresh pursuit must occur after notice of intent to arrest the person or stop the vehicle (notice may include lights and/or sirens).

2. Fresh pursuit must be terminated:
 - a. If the sworn member loses contact with the person for a significant passage of time, **or**
 - b. If the county or municipal ordinance violation occurred outside the sworn member's jurisdiction.

E. Fresh Pursuit within the **State of Missouri**

1. A sworn member may continue outside the city limits and into another jurisdiction within the State of Missouri when:
 - a. The sworn member has probable cause to believe the person has committed a felony, **or**
 - b. In the presence of a sworn member, the person has committed or attempted to commit any criminal offense or violation of a municipal or county ordinance, **or**
 - c. The sworn member holds an arrest warrant (felony or misdemeanor) for a criminal offense for the person, **or**
 - d. A person arrested escapes. The sworn member from whose custody the escape was made may:
 - (1) immediately pursue and apprehend the person at any time and at any place in Missouri, **and**
 - (2) may command assistance in making the arrest (RSMo 544.210).
2. When an apprehension is made in the **State of Missouri** sworn members have the authority to arrest and hold in custody the arrestee.
 - a. If the arrest is made pursuant to a warrant, the arrestee will be handled as in other warrant arrests.
 - b. If the arrestee is served a citation, the arrestee will be directed to appear before the court having jurisdiction over the offense and released.
 - c. If the arrest is without a warrant, the arrestee must be taken before a judge of a state or municipal court with original jurisdiction in the county where the arrest was made.
 - d. If the arrestee is issued a summons by the sworn member, the arrestee need not be taken before a judge.

F. Fresh Pursuit into the **State of Kansas**

1. A sworn member may continue outside their jurisdiction in fresh pursuit and into the State of Kansas when they have the following probable cause:
 - a. The person has committed a felony in Missouri; **or**
 - b. To believe the person has committed a misdemeanor in Missouri **and**:
 - (1) Unless the person is immediately arrested that the person or evidence of the crime will be irretrievably lost; **or**
 - (2) The person may cause injury to self or others or damage to property unless immediately arrested; **or**
 - (3) The person has intentionally inflicted bodily harm to another person.
 - c. To believe that there is a felony arrest warrant for a criminal offense for the person.
2. When apprehension is made in the State of Kansas, the member will:
 - a. Immediately contact the agency with jurisdiction regarding the person of the pursuit and a request will be made for filing of the appropriate charges; **and**
 - b. Ensure the arrestee is immediately taken before the judge of the county in which the arrest was made; **and**
 - c. Under no circumstances transport the arrestee back across state line to file charges, as this would constitute an illegal extradition. Extradition can only be granted after a judicial hearing (K.S.A. 22-2404).

ARREST PROCESS

A. Mobile Ticketing Process

1. When issuing a citation or summons, a signature is not required from the violator/defendant.
2. Court dates for summons and citations will be set between twenty-eight (28) and seventy-five (75) days from the date of arrest. This does not apply to domestic violence cases.
3. Domestic violence municipal ordinance violations will continue to be scheduled for the next court day in the appropriate court room. Sworn members will check the domestic violation box on the "violation" tab.
4. For juveniles **under 17** years of age, members will contact the appropriate investigative element. For further information refer to the current process outlined in written directive entitled, "Juvenile Procedures."
5. Warning citations can be issued in lieu of a citation.
6. All citations and summons will be automatically forwarded to the court system upon completion and do not require supervisor approval.
7. A handheld device may be used for off-duty functions only if authorized by a patrol division commander.
8. Off-duty sworn members may utilize paper citations and summonses when a Mobile Ticketing device is not available.
 - a. Entering paper tickets can only be accomplished through the Mobile Ticketing application.
 - b. All paper citations/summons are required to be entered into Mobile Ticketing application within twelve (12) hours of issuance.
 - c. Members entering a paper citation or summons into the Mobile Ticketing application will refer to the User Guides located on the department intranet.
9. Mobile Ticketing System Failure (to include printer malfunctions)
 - a. In the event of a complete handheld system failure, all members will utilize the paper citation and summons.
 - b. When the connection is re-established, members entering a paper citation or summons into the Mobile Ticketing system will refer to the User Guides located on the department intranet.

- c. If the citation/summons was not completed (e.g., a ticket number wasn't issued) in the Mobile Ticketing device there is no need for voiding.
- d. If the ticket was completed, but the member was unable to print the ticket, the member will first check for another available member to respond to their location to print the completed ticket.
- e. If the member is still unable to print the citation/summons the member will:
 - (1) Issue the individual the paper citation or summons.
 - (2) All paper citations/summons are required to be entered into Mobile Ticketing application within twelve (12) hours of issuance.
 - (3) Members entering a paper citation or summons into the Mobile Ticketing application will refer to the User Guides located on the department intranet.
 - (4) Void the original citation or summons. Members will refer to the "Citation/Summons Voiding Process" located within User Guides on the department intranet.

10. Traffic Analysis Data Collection (formerly Stop Report)

- a. Sworn members will utilize the Traffic Analysis Module in the Mobile Ticketing application for the collection of traffic analysis data.
- b. For further information refer to the User Guides located within the department intranet.

B. Custodial Arrest Process

- 1. Original municipal ordinance charges will be entered into Mobile Ticketing.
 - a. All local warrants, regardless of the bond amount, will be entered into the electronic booking system.
 - b. For further information refer to the User Guides located within the department intranet.
- 2. Provide a subpoena with a court date to all victims and witnesses.
- 3. The Traffic Analysis tab will be completed when applicable. For further information refer to the User Guides located within the department intranet.

4. Booking process
 - a. Sworn members will enter the arrestee's information into the electronic booking system.
 - b. Members will refer to User Guides located within the department intranet for booking requirements.
5. Intake Process
 - a. A Detention Officer (DO) will complete the intake process upon taking control of the arrestee from the sworn member.
 - b. DO's responsibilities include, but are not limited to:
 - (1) Searching
 - (2) Fingerprinting
 - (3) Photographing
 - (4) Inventorying the arrestee's property
 - (5) Completing specified data entry requirements within the electronic booking system.
6. Real Time Operators will be responsible for entry of court information and bond information into the Integrated Metropolitan Docket System (IMDS) Plus via Court Web.
7. Arrests with Disabilities/Americans with Disabilities Act (ADA)
 - a. When an arrest is made involving a disabled arrestee with significant needs the members will make every effort to cite and release the disabled arrestee.
 - b. In the event the disabled arrestee requires secure detention, contact the appropriate detention facility to properly or reasonably accommodate the needs of the disabled arrestee.
 - c. Field supervisors will ensure the sworn member provides the proper transportation for these disabled arrestees. Transportation accommodations may include police vehicles or an ATA bus.

C. Non-Custodial Arrest Process

1. The original municipal ordinance charges will be entered into the Mobile Ticketing application. For further information refer to User Guides located on the department intranet.

2. Minor traffic offenses

- a. If the members issue a citation, the member will **cite and release** individuals at the scene when the only charges are for municipal or county minor traffic violations.
- b. Members will refer to User Guides located within the department intranet for a list of the traffic offenses and the points chart.
- c. Municipal or county minor traffic violations include offenses that the Missouri Department of Revenue is authorized to assess zero (0) to four (4) points to a person's driver's record, but that do not include traffic violations involving:
 - (1) Accident or injury.
 - (2) Operation of a Commercial Motor Vehicle (CMV).
 - (3) Violations occurring in a construction zone.
 - (4) Violations occurring in a school zone.
 - (5) Exceeding the speed limit by more than 19 miles per hour.
- d. Members may only take individuals into custody for non-minor traffic offenses or any minor traffic offense that includes one or more of the five (5) listed criteria above.
- e. On a minor traffic violation, with an unidentified individual, members will transport the unidentified individual to the appropriate detention facility for identification and processing.
- f. Multiple citations may be issued for minor and non-minor traffic offenses, but for taking an individual into custody, at least one of the offenses must be greater than four (4) points or include one or more of the five (5) listed criteria above.
- g. If towing a vehicle, members should refer to the current written directive entitled, "Towing/Protective Custody of Vehicles and Contents."
- h. Members will notate in Mobile Ticketing when the violation involves an accident, injury, CMV, or occurs within a construction or school zone.
- i. Prior to being released, the arrestee will be given a copy of the citation/ summons.
- j. Provide a subpoena with a court date to all victims and witnesses.

- k. The Traffic Analysis tab will be completed when applicable. For further information refer to the User Guides located within the department intranet.
- D. Unidentified Arrestees with Charges will:
 - 1. No longer be transported to the Fingerprint Identification Section prior to being booked in at a detention facility.
 - 2. Be taken directly to the appropriate detention facility and processed.
- E. Citation/Summons Voiding Process
 - 1. Members will contact a supervisor.
 - 2. Members will refer to the User Guides located on the department intranet.
- F. Service of Summons/Warrant Application Process
 - 1. On Domestic Violence (DV) cases, the member will complete a warrant application as directed by Domestic Violence personnel.
 - 2. On most non-DV cases, the member will mail a copy of the ticket to the suspect and the prosecutor will mail a service of summons.
 - 3. For non-DV cases, if the member has reasonable grounds to believe that the suspect will not appear upon the summons or that the suspect poses a danger to the victim, the community, or any other person, the member may complete a warrant application.
 - 4. Members will refer to the User Guides located on the department intranet.
- G. Members will refer to the User Guides located on the department intranet for the following processes:
 - 1. Bail Bond and Surety Recovery Agent(s) Early Surrender Process
 - 2. Bonding Process
 - 3. Warrant Application Recall

CUSTODIAL SEARCHES

A. General Search of Person Incident to Arrest

1. Sworn members conduct a search of the arrestee's person and/or an inventory of the arrestee's retained personal property for the following purposes, including but not limited to:
 - a. Identification of any item that could be used as a weapon or contraband to resist or effect escape.
 - b. Prevention of the destruction of evidence.
 - c. Documentation of the arrestee's personal property.
2. Sworn members will immediately search the arrestee's person at the time of arrest.
 - a. A search of the arrestee's person includes any clothes worn on their person at the time of the search. Clothes will include all inner and outer coverings worn on their person (e.g., pants, shirt, coat, hat, gloves, etc.).
 - b. Sworn members are advised to limit search activity to what is absolutely necessary, with minimal clothing movement in the area of the groin, breasts, or undergarments of the arrestee without probable cause to inspect further.
3. Sworn members may search the arrestee's personal property (e.g., purses, bags, backpacks, and the like) only if:
 - a. The property is within the arrestee's immediate control (i.e., area within the arrestee's reaching distance or wingspan in order to grab a weapon or evidentiary items), and one of these two factors exist:
 - (1) The sworn member reasonably believes the property being searched contains a weapon that the arrestee may gain possession of, **or**
 - (2) The sworn member reasonably believes the property being searched contains concealable or destructive evidence.
 - b. A search of arrestee's personal property includes all open or closed containers for the purpose of determining their content.
4. Custodial Arrestee's Inventory
 - a. Upon arrest, a cursory custodial arrestee's inventory will occur at the scene prior to transportation of the arrestee.

- b. A detailed custodial arrestee's inventory list will be conducted and documented at the detention facility in compliance with the current written directive entitled, "Prisoner's Personal Property Procedure."
- c. Sworn members may examine the physical aspects of any electronic device that stores data but **will not** search any digital data without a warrant, absent exigent circumstances.
- d. All property held for safekeeping will be documented on the appropriate forms.
- e. Contraband and other illegal substances will be recovered and processed according to the procedures described in the current written directive entitled, "Recovered Property Procedures."

B. Limited Search of Person Incident to Arrest

1. Strip Search

- a. Arrestee will not be subject to a strip search unless a supervisor/commander has authorized the search and there is probable cause to believe that the arrestee is concealing:
 - (1) A weapon, **or**
 - (2) There is evidence of the commission of a crime, **or**
 - (3) Contraband.
- b. The sworn member or Detention Officer (DO) conducting the search will be the same gender as the person being searched and will:
 - (1) Receive authorization from a supervisor/commander prior to conducting the search unless the threat of imminent danger precludes this requirement.
 - (2) Complete a Prisoner Search Form, Form 138 P.D.
 - (3) Obtain an original case report number for the Form 138 P.D. unless a number has previously been issued for a report relating to the arrest.
 - (4) Conduct the search at a location where the search cannot be observed by any person other than the person(s) physically conducting the search. A readily available person may be present at the request or consent of the arrestee being searched.
 - (5) Give a photocopy of the Form 138 P.D. to the arrestee who was searched.

2. Body Cavity Search

- a. An arrestee will not be subject to a body cavity search unless a supervisor/commander has authorized the search and there is probable cause to believe that the arrestee is concealing:
 - (1) A weapon, **or**
 - (2) There is evidence of the commission of a crime, **or**
 - (3) Contraband.
- b. The sworn member will obtain written authorization from the appropriate commander authorizing the request for the search warrant.
- c. The arrestee will be kept under close observation or isolation until a search warrant can be obtained.
- d. The arrestee will be transported to an appropriate medical facility where the search will be conducted.
- e. A body cavity search of any arrestee may only be conducted pursuant to a duly executed search warrant, under sanitary conditions, and by a physician, registered nurse, or practical nurse licensed to practice in Missouri.
- f. Exigent circumstances, such as the arrestee placing illegal narcotics or contraband into their mouth, does not require obtaining a search warrant as the probability of the arrestee swallowing the evidence requires the need for immediate action.
 - (1) Members may use minimal force to prevent an arrestee from swallowing narcotics or contraband. Minimal force may include but not limited to the following:
 - (a) Holding the arrestee's "Adam's apple" for a brief period of time.
 - (b) Holding the arrestee's head forward for a brief period of time.
 - (c) Pinching the arrestee's nose so the arrestee opens their mouth.
 - (d) Using a smelling salt wipe so the arrestee opens their mouth.
 - (2) Minimal force **does not** include the following:
 - (a) Placing a foreign object in the arrestee's mouth.
 - (b) Attempting to "pry open" the arrestee's mouth.

- (3) The arrestee's airway should never be cut off.
- (4) If an arrestee has swallowed narcotics or contraband, sworn members should refer to the current written directive entitled, "Ambulance Calls and Arrests Taken to Hospitals."

C. Search of Vehicle Incident to Arrest

1. A limited search of a vehicle incident to arrest is permitted when:
 - a. The arrestee is within reaching distance of a passenger compartment where a weapon may be located, **or**
 - b. There is probable cause to believe that the vehicle contains evidence relevant to the crime of arrest. A search subject to the crime of arrest can extend to any containers or other places in the vehicle where the object of the search may be found.
2. If a sworn member conducts a traffic stop on a vehicle for a traffic violation (non-custodial arrest), members should refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
3. If a sworn member develops probable cause to search a vehicle independently of the crime of arrest for the driver or passenger, members should refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
4. If the vehicle is to be towed, members will refer to the current written directive entitled, "Towing/Protective Custody of Vehicle and Contents."

D. Search of Premises Incident to Arrest

1. If a person is arrested inside a premise, sworn members may search the arrestee. The search will not extend beyond the area within the arrestee's immediate control.
2. Sworn members may conduct a protective sweep if a person is arrested in their residence and sworn members reasonably believe that other people are in the arrestee's residence that might:
 - a. Try to threaten the safety of the sworn members, **or**
 - b. Try to help the arrestee escape.
3. If the arrestee is arrested at their residence and wants to obtain an item to take with them, sworn members may use discretion and allow the arrestee to obtain such item(s). However; the sworn members must accompany the arrestee while they obtain such item(s).
4. The arrestee or other authorized third party may consent to the search of their residence. Members should refer to current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."

HANDCUFFING AND TRANSPORTING ARRESTS

A. Handcuffing

1. Persons under arrest will be handcuffed.
2. When a member places a person in handcuffs, the member will:
 - a. Check for tightness and double-lock the handcuffs.
 - b. Make every attempt to place handcuffs behind the arrestee's back.
 - (1) If the arrestee has a medical or physical condition that would preclude them from being handcuffed behind their back, they will be handcuffed (double-locked) in front, and a patrol wagon **will be used** for transport.
 - (2) Once the arrestee has been transported to the appropriate detention facility, the member will inform detention personnel that the arrestee is handcuffed in front and the reason for this action.
 - c. Not handcuff juveniles to adults, or males to females, even when in custody for the same incident.
 - d. Not handcuff an arrestee to any stationary object for an extended period of time.
 - e. Place the arrest on their side or in a seated position while awaiting transportation to the appropriate detention facility, once the arrestee is no longer a threat to the member or others.
 - f. Not handcuff and leg shackle an arrestee's hands and feet together (commonly referred to as hog-tying).
 - g. Maintain control of a handcuffed arrestee (i.e., proper forward or reverse escort) or place them in a position to prevent flight.

B. Transporting Arrests

1. Every arrest transported to a detention facility will be handcuffed and seat belted.
2. The transporting member will conduct a cursory custodial arrest inventory of the arrestee's property.
 - a. Members will refer to written directives entitled, "Prisoner's Personal Property Procedure" and "Recovered Property Procedure."
 - b. The transporting member has the final responsibility to thoroughly search the arrestee before transporting.

3. Members will help a handcuffed arrestee maintain balance and keep them from falling when being placed in or removed from a police vehicle or patrol wagon.
4. When an arrest is transported from an outside agency and a firearm is in their personal property the transporting member will advise the releasing person that firearms **will not** be accepted in the arrestee's personal property.
 - a. The firearm will be left with the outside agency member.
 - b. Members will refer to the written directive entitled, "Prisoner's Personal Property Procedure."
5. When transporting an arrestee in a police vehicle equipped with a video camera, the in-car video surveillance system will be activated. The camera will be set to record the interior of the vehicle.
6. An injured person or person complaining of injury will be provided medical attention (e.g., administer first aid, request an ambulance to the scene, etc.). Members will refer to the current written directive entitled, "Ambulance Calls and Arrests Taken to Hospital."
7. Belligerent or combative arrestees will be transported to the appropriate detention facility.
8. Members will contact the appropriate investigative element to determine if multiple arrests should be transported separately and housed separately while at a detention facility.
9. Members will keep persons under close observation to guard against suicide, assault, or escape.
10. Members will relay pertinent information to detention personnel regarding statements made by an arrestee concerning threats (e.g., desire to commit suicide).

C. Transporting Arrests in a Police Vehicle

1. The arrestee will be placed in the passenger front seat when being transported by one sworn member.
2. When two (2) sworn members are transporting an arrestee, the arrestee will be placed in the passenger front seat with the second sworn member sitting directly behind the arrest.
3. Request additional police vehicles or a patrol wagon if two (2) or more arrestees must be transported.

4. Members will physically search the area where the arrestee was seated for contraband or evidence prior to and immediately after transporting the arrestee.

D. Transporting Arrests in a Patrol Wagon

1. When possible, the patrol wagon should be used for transporting the following arrests:
 - a. Intoxicated persons.
 - b. Combative persons.
 - c. Emotionally Disturbed Persons (EDP).
 - d. Persons arrested for committing serious crimes.
 - e. When the security or safety of the sworn member or arrestee is threatened.
 - f. Large number of arrestees.
2. Sworn members operating the patrol wagon will:
 - a. Physically search the interior of the arrestees' compartment of the patrol wagon for contraband or evidence prior to and immediately after transporting the arrestee.
 - b. Advise the arrestee to sit on the bench/seat and ensure the arrestee's seat belt is fastened around them, requesting assistance if needed.
 - c. Not place arrestees on the floor for any reason. If efforts to safely secure the arrestee are unsuccessful or the arrestee removes the seat belt on their own, the circumstances must be articulated via radio traffic and documented on the member's activity sheet.
 - d. Not transport arrestees of the opposite sex in the same compartment.
 - e. Not transport juveniles and adult arrestees in the same patrol wagon.
 - f. Not transport arrestees together who have assaulted each other.
 - g. Not transport a disabled arrestee with a mobility apparatus, such as a wheelchair.
 - h. Drive with due regard for the safety of those being transported as to not to injure or risk injury to the person.

FELONS IN POSSESSION (FIP)

- A. The Violent Crimes Investigation Squad (VCIS) will be contacted regarding questions related to firearms, body armor, ammunition and arrests made for Carrying a Concealed Weapon (CCW).
- B. In order for a person to be prosecuted as an FIP, the following criteria must be met:
 - 1. An indication that the person is a convicted felon or prohibited person. For a conviction to qualify:
 - a. A person need not have served a sentence of imprisonment; although, a sentence must have been imposed.
 - b. A Suspended Imposition of Sentence (SIS) would not qualify as defined by U.S. Code Title 18.
 - c. For a federal prosecution of a FIP of body armor, the felon must have at least one felony conviction for a crime of violence against a person or property (to include burglary).
 - 2. Evidence that the identified felon or prohibited person was in possession of a firearm, ammunition, body armor, or any combination thereof.
- C. Filing of Charges
 - 1. When it is believed that the above criteria exist, VCIS will be contacted to determine if an Investigation Arrest Approval, Form 176 P.D., will be obtained for FIP or CCW.
 - 2. FIP or CCW:
 - a. Sworn members may contact VCIS directly during on-duty hours (0800-1600).
 - b. During non-duty hours:
 - (1) Sworn members will contact the on-call VCIS detective for notification and arrest approval.
 - (2) The VCIS detective or a member of the Violent Crimes Division will make the determination if the above criteria exists for processing as a felon or prohibited person in possession of a firearm.
 - c. VCIS detectives will process the case and refer it to the appropriate prosecutor's office.

3. In the event the above listed criteria exists in conjunction with a gang related offense or is an identified member of a gang, the sworn members will contact the on-duty or on-call Gang Squad supervisor.
 4. Gang Squad detectives will process the case and refer it to the appropriate prosecutor's office.
- D. Recovery and handling of a firearm or ammunition in conjunction with FIP cases.
1. Sworn members will follow the current written directive entitled, "Recovered Property Procedures."
 2. In addition, members will ensure that the following procedures are completed in recovering a firearm for FIP cases:
 - a. Protect any firearm not recovered directly from a person/suspect (e.g., found in a bag, found under a car seat or trunk) for processing of DNA or fingerprints. Members will contact the VCIS on-call detective for recovery instructions.
 - b. The investigative element will be responsible for obtaining the Consent to Search, Form 155 P.D., or search warrant to collect a DNA Buccal Swab from the arrestee. For further information refer to Annex H of this written directive.
 - c. Ensure all information regarding the firearm(s) description (i.e., serial number, manufacturer, specific markings, and importer if manufactured outside of the United States) is complete and accurate. This also applies to all reports related to the FIP.
 - d. Photograph all firearms recovered.
 - (1) Close-ups of any markings on the firearms to include: serial numbers, caliber, manufacturer, and import information.
 - (2) This information is necessary to prove that the firearm, at some point, traveled in interstate commerce (a vital component to federal prosecution).
 - e. A Firearm Description Report (ATF generated form) obtained from the investigative element will be completed by the recovering member and submitted in addition to related reports completed by the reporting member.
 3. Recovering Ammunition
 - a. Sworn members will contact the VCIS for direction when recovering firearms and ammunition that are relative to a FIP/CCW investigation on where the recovered items will be placed.

- b. An accurate description of any and all markings on each type of round recovered, including the head stamp markings is imperative in determining where a particular round of ammunition is manufactured, (e.g., R-P and R•P are both Remington Peters rounds, although they are manufactured in different locations).
 - (1) The above information will be included on the back of the Firearm Description Report obtained from the investigative element.
 - (2) Photograph all ammunition including a close-up of the head stamps and overall group photograph to show the number of rounds recovered.
- 4. Sworn members will scan and attach all reports relative to a FIP investigation and confiscated firearms or ammunition into Intellivue.
- 5. Sworn members will save and forward all photographs to the VCIS folder.

STATE STATUTE ARREST(S) / INVESTIGATION ARREST APPROVAL

A. General Guidelines

1. All investigation arrest entries will utilize the REJIS **Wanted** entry. The **Wanted** entry will be a local entry only and will not populate into MULES.
2. All state statute arrests or persons being booked on an Investigation Arrest Approval, Form 176 P.D. (Form 176 P.D.) will be transported to the appropriate detention facility unless otherwise instructed by an investigative element.
3. When a person is arrested for an investigation arrest and is determined to have a state felony warrant:
 - a. The arrestee will be booked on an investigation charge before any other warrants.
 - b. The Form 176 P.D. will note all charges and units for which the arrestee is being held.
4. When a person is arrested for a felony warrant or for an investigation arrest:
 - a. The sworn member may issue any citations/summons as instructed by the appropriate investigative element.
 - b. The sworn member will complete all applicable reports and incorporate pertinent information regarding any city or traffic charges prior to ending their tour of duty.
 - c. All applicable reports will be approved to allow the investigative element to submit a case to the appropriate prosecutor.
5. Juveniles apprehended for a violation of a state statute will be handled in accordance with the current written directive entitled, "Juvenile Procedures."
6. Arrestees who are injured or claim injury/illness will be handled in accordance with the current written directive entitled, "Ambulance Calls and Arrests Taken to Hospitals."
7. A full set of fingerprints (ten (10) fingers and both palms) will be taken as required by the state for all state statute arrests. The case must be assigned an Offense Cycle Number (OCN), which is associated with the state fingerprint card.

8. Booking process
 - a. Members will enter the arrestee's information into the electronic booking system.
 - b. Members will refer to User Guides located within the department intranet for booking requirements.
9. Intake Process
 - a. A Detention Officer (DO) will complete the intake process upon taking control of the arrestee from the sworn member.
 - b. DO's responsibilities include, but are not limited to:
 - (1) Searching.
 - (2) Fingerprinting.
 - (3) Photographing.
 - (4) Inventorying the arrestee's property.
 - (5) Completing specified data entry requirements within the electronic booking system.

B. Felony Arrest General Guidelines

1. When completing reports relative to the arrest, sworn members will include all the facts and circumstances, (i.e., probable cause, outstanding warrants).
2. When questioning a custodial arrest, sworn members will refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
3. When a suspect is identified and arrested at a crime scene, the suspect may be released to a detective at the scene for booking in accordance with procedures set forth in this annex. However, the arresting sworn member will be responsible for the completion of all reports prior to ending their tour of duty.
4. The sworn member will obtain a signed Form 176 P.D. prior to booking.
5. Electronic Arrest Approval
 - a. All Investigative Element Sergeants may:
 - (1) Email an electronic version of the Form 176 P.D. to the Detention Officer (DO) at the detention facility where booking/intake will be completed.
 - (2) Email to [REDACTED] and include the arrestee's last and first name on the "subject" line.

- b. Sworn members will respond to the appropriate detention facility with their arrest and advise the DO of the detention facility the Form 176 P.D. has been emailed to them.
 - c. The DO of the detention facility must verify that the electronic signature on the Form 176 P.D. matches the KCPD email account from where it was sent.
 - d. Members will obtain a printed copy of the Form 176 P.D. and complete the booking/intake process.
 - 6. When a Patrol Bureau supervisor, investigative element supervisor, or the on-duty Violent Crimes Division supervisor is not available, the sworn member will:
 - a. Contact the dispatcher by phone and request either the appropriate investigative element supervisor or the on-duty Violent Crimes supervisor.
 - b. Complete a Form 176 P.D., printing "verbal authorization by" and the authorizing supervisor's name on the line for "Supervisor's Signature."
 - c. Sworn members will sign their name and serial number directly below the line for "Supervisor's Signature."
 - 7. If verbal authorization is given by an investigative element, a detective from that element will review all in-custody reports through the Automated Reporting System (ARS) as soon as possible.
 - 8. State misdemeanor arrests will be transported to the appropriate county detention facility.
 - a. The sworn member will contact the Real Time Operators to obtain a hit confirmation.
 - b. Real Time Operators will contact the agency issuing the warrant and request a hit confirmation to be sent to the location where the arrestee is in custody.
 - 9. Appropriate action will be taken by the sworn member on those arrests which are not approved for booking on a Form 176 P.D. (e.g., release, citation issued or summons issued).
- C. Patrol Bureau supervisors have the authority to approve the Form 176 P.D. for felony arrests involving the following:
- 1. Field drug possession cases.
 - 2. Property crimes.
 - 3. Cases investigated by the DUI Section, Accident Investigation Section (AIS) or Traffic Investigation Section (TIS).

- D. Felony arrest procedures for AIS, DUI, TIS or Property Crimes Section are as follows:
1. The sworn member will contact the appropriate investigative element to approve the Form 176 P.D.
 2. If a detective approves the arrest and the field/desk supervisor is satisfied with the probable cause for the arrest, the field/desk supervisor may sign the Form 176 P.D.
 3. The field/desk supervisor signing the Form 176 P.D. will include the name of the approving detective and the date and time the detective was contacted.
 4. Persons arrested will be booked at the appropriate detention facility.
 5. The sworn member will complete all applicable reports prior to ending their tour of duty.
 6. All applicable reports will be approved to allow the investigative element to submit a case to the appropriate prosecutor.
 7. A detective from the investigative element will review all in-custody reports though ARS as soon as possible.
 8. When a Patrol Bureau supervisor, investigating element supervisor, or the on-duty Violent Crimes Division supervisor is not available, the sworn member will follow the procedures outlined in Section B of this Annex.
- E. Felony arrest procedures for the Drug Enforcement Unit (DEU) or Street Crimes Unit (SCU) are as follows:
1. The sworn member will follow the guidelines set forth in the current written directive entitled, "Arrest Procedures-Possession of a Controlled Substance," when involving possession of a controlled substance.
 2. Members will follow the procedures outlined in Section D of this Annex.
- F. Want
1. Investigative elements must request a **Want** for a person wanted in regard to a crime.
 2. Arrests based on a want can be made in public places only and **do not** give the same authority as a warrant.
 3. If members receive a hit that the person stopped is the person in the wanted entry, members will:
 - a. Contact the appropriate investigative element listed on the record to determine proper handling with the person.
 - b. Follow the procedures outlined in Section D of this Annex.

G. Person of Interest

1. Outside Agency Person of Interest record.
 - a. If members receive a hit that the person stopped is the person of interest named in the record issued by an outside agency, members will:
 - (1) Check the computer entry to ascertain pertinent information from the appropriate outside agency in regard to the person.
 - (2) Contact the appropriate outside agency listed on the record to determine proper handling with the person.
 - b. The entering outside agency is responsible for maintaining the record and cancelling it once contact has been made.
2. A Person of Interest record has no bond attached and will be automatically purged out of MULES after one year if it is not cancelled by the entering outside agency.

H. Temporary Wants

1. Persons arrested on authority of a Temporary Want issued by an investigative element or other agency will be held for a specific offense.
2. Members will follow the procedures outlined in Section D of this Annex.
3. A Temporary Want will expire from NCIC forty-eight (48) hours after entry and remain a local want in REJIS.
4. The entering agency/member is responsible for maintaining the record and cancelling it once contact has been made.

I. Contact and Advise

1. May be issued by an investigative element or other agency.
2. No probable cause exists to affect an arrest or involuntary detention.
3. Force or coercion cannot be used to obtain cooperation of the party.
4. Upon receiving a hit and after a confirmation is made that the person stopped is the person named in the record, members will:
 - a. Check the computer entry to ascertain pertinent information from the appropriate investigative element or other agency in regard to the person.

- b. Complete a Field Interview report in the ARS and document all pertinent information (e.g., current address, vehicle information, associates, etc.).
 - c. Notify the agency/member that entered the Contact and Advise of the contact.
- 5. The entering agency/member is responsible for maintaining the record and cancelling it once contact has been made.
- 6. The Contact and Advise will be automatically purged by REJIS after one year if it is not cancelled by the entering agency/member. Members may complete a validation form to extend the time of the Contact and Advise entry.

TWENTY-FOUR HOUR RULE

- A. The twenty-four (24) hour rule provides that no person arrested for investigation of any criminal offense may be detained beyond the twenty-four hour limit unless the person is charged with a criminal offense and a warrant is obtained from the appropriate Court, within the appropriate time limit (RSMo 544.170).
- B. The twenty-four (24) rule applies to city, county and state arrests without a warrant.
- C. No person arrested without a warrant on a city ordinance violation may be detained beyond the twenty-four (24) hour limit unless a City Prosecutor has signed the citation or summons within the appropriate time limit.
- D. The twenty-four (24) hour rule does not apply to persons arrested for a previously issued warrant.
- E. General Guidelines
 - 1. The statutory time limit begins when a person is taken into custody by any peace officer (sworn member), which will be noted on the Form 176 P.D. by the approving supervisor. It does not matter who conducts the arrest, the twenty-four (24) hour rule begins at the time of arrest.
 - 2. All persons arrested and detained will be given the opportunity to consult with an attorney or other persons acting on behalf of the arrestee at a reasonable time, or to make bail, except as outlined in Section F of this Annex.
 - 3. Each investigative element is responsible for entering Pending Further Investigation (PFI) status into CMS when releasing an arrestee.
 - 4. When an arrestee has multiple holds, each investigative element will be responsible for entering PFI status for their own investigation. However, the twenty-four (24) hour rule does not start over for each investigative arrest hold.
 - 5. Members will check the arrestee's hold status to ensure compliance with the twenty-four (24) hour rule, even if the arrestee has been issued a PFI by an investigative element.

- F. If there is a genuine concern that a person will jeopardize a case or jeopardize the ability of the police to apprehend a suspect by making phone calls during the holding period, the investigative element commander, supervisor or detective may:
1. Authorize detention personnel to ascertain the name and phone number of the attorney, contact the attorney by phone and allow the arrestee to talk with their attorney. The discussion between the suspect and the attorney will not be monitored.
 2. Obtain the name and phone number of the person the arrestee wishes to call and place the phone call for both of them. There is no privileged communication between arrestee and persons other than an attorney. The investigative element commander, supervisor or detective may monitor these conversations to ensure that the investigation is not jeopardized.

WARRANT ARRESTS

A. General Warrant Procedure

1. The sworn members will first determine whether the warrant is a municipal, state or federal warrant and whether the warrant is from a local, state, or out-of-state agency.
2. In the event the arrest has multiple local and/or outside warrants, detention personnel will make the final determination regarding which warrant will take precedence for booking purposes.
3. Any person arrested for an investigation will be booked for the investigation arrest first, regardless of any warrant.

B. City Municipal Warrants

1. Persons arrested on local (KCMO) municipal warrants will be booked at the appropriate KCPD division station.
2. Arrestees with municipal warrants issued by agencies within the Kansas City metropolitan area (e.g., Independence, Liberty, Grandview, etc.) will be booked at the appropriate KCPD division station.
 - a. The sworn members will contact Real Time Section and provide the warrant and ORI information from the arrestee's computer entry.
 - b. Real Time Section will send an urgent "YQ" message to the originating agency to verify the warrant and then fax a copy of the "hit confirmation" response to the sworn member, verifying the warrant.
 - c. If the outside agency cannot respond within the appropriate time and take custody of the arrestee, the DO at the KCPD division station will:
 - (1) Notify the outside agency that the arrestee will be advised of the warrant and released.
 - (2) Not transfer the arrestee to Jackson County Detention Center.
3. The sworn member will complete all applicable reports prior to ending their tour of duty.

C. State Warrants

1. Local (KCPD) State Warrants

- a. Arrestees with misdemeanor or felony warrants issued by Jackson County, for offenses originally investigated by KCPD, will be transported to the appropriate KCPD division station for booking.
- b. The arresting sworn member will contact the Warrant Desk and provide the state warrant and ORI information from the arrestee's computer entry.
- c. After the Warrant Desk verifies the warrant, the arresting sworn member will request a copy of the warrant from the Criminal Records Section.
- d. Criminal Records Section will forward a copy of the warrant, via fax or KCPD email address, to the sworn member.
- e. The sworn member will complete all applicable reports prior to ending their tour of duty.
- f. Members will place the appropriate paperwork (e.g., original Jackson County Warrant) in the basket designated for the Fugitive Apprehension and Arraignment Section (F.A.A.S) located in the Criminal Records Section. A detective from the F.A.A.S. will retrieve the information the following day.

2. Missouri State Warrants

- a. Arrestees with county municipal, misdemeanors, or felony warrants from Jackson County will be direct dropped to Jackson County Detention Center.
- b. Arrestees with county municipal, misdemeanor, or felony warrants issued by Clay County, Platte County, or Cass County will be transported directly to those counties.
- c. Arrestees with county municipal, misdemeanors, or felony warrants from all other counties will be transported to the nearest County Detention Center or as directed by a supervisor/commander.
- d. The sworn member will contact Real Time Section and provide the warrant and ORI information from the arrestee's computer entry.
 - (1) Real Time Section will send an urgent "YQ" message to the originating agency to verify the warrant.
 - (2) Sworn members should advise the Real Time Operator that the "hit confirmation" should be faxed to the respective county detention center.
- e. The sworn member will complete all applicable reports prior to ending their tour of duty.

3. State Parole Warrant Arrests

- a. Missouri Department of Corrections (MDOC) issues all State Parole Violation Warrants.
- b. MDOC warrants take precedence over any city warrants or violations.
- c. If the State Parole Violation Warrant is entered in the arrestee's computer entry:
 - (1) The sworn member will contact Real Time Operators and provide them with the warrant and ORI information from the arrestee's computer entry.
 - (2) Real Time Section will send an urgent "YQ" message to the originating agency to verify the warrant and then fax a copy of the "hit confirmation" response to the appropriate detention facility, verifying the warrant.
- d. If there is no State Parole Violation Warrant in the arrestee's computer entry, the person should not be arrested, unless the sworn member arrests the violator based on:
 - (1) Personal knowledge of the warrant's existence, **or**
 - (2) A hand written warrant from the parole office; **or**
 - (3) The parole office is faxing the warrant to the appropriate detention facility.
- e. Arrestee's with a State Parole Violation Warrant will be taken to any County Detention Center when there are no active felony warrants or felony stop orders for the arrestee issued by this department.
- f. A person arrested on a State Parole Violation Warrant cannot post bond.
- g. The sworn member will complete all applicable reports prior to ending their tour of duty.

4. Warrants Issued By Another State

- a. Misdemeanor warrants are not extraditable.
 - (1) The person will be advised of the warrant only.
 - (2) Members are advised to disregard any entry in NCIC that indicates the outside state agency will extradite the misdemeanor warrant.

- b. Felony warrants are extraditable.
 - (1) Persons arrested on extraditable warrants issued by another state will be transported to the appropriate KCPD division station.
 - (2) The sworn member will contact Real Time Operators and provide the warrant and ORI information from the arrestee's computer entry.
 - (3) Real Time Section will send an urgent "YQ" message to the originating agency to verify the warrant and then fax a copy of the "hit confirmation" response to the sworn member, verifying the warrant.
- c. The sworn member will complete all applicable reports prior to ending their tour of duty.
- d. Members receiving information that a person has a felony warrant with another agency will attempt to verify the warrant with the issuing agency before the person is arrested or transported. If not practical, Communications Unit personnel will be requested to make the verification.
- e. If the originating agency's warrant cannot be verified for any reason, the person will be advised of the warrant and released.
- f. If an arrestee is combative or belligerent or the agency cannot respond within a reasonable length of time, a supervisor may have the arrestee transported to the appropriate detention facility.

D. Federal Warrants

- 1. Persons arrested on Federal Warrants will be transported to the appropriate KCPD detention facility for booking.
 - a. The sworn member will contact the Real time Operators and provide the warrant and ORI information from the arrestee's computer entry.
 - b. Real Time Section will send an urgent "YQ" message to the originating agency to verify the warrant and then fax a copy of the "hit confirmation" response to the appropriate detention facility, verifying the warrant.
- 2. Upon completion of booking, the arrestee will be transported to the nearest County Detention Center.
- 3. The sworn member will complete all applicable reports prior to ending their tour of duty.

E. Foreign Fugitive Warrant

1. Arrest warrants issued by foreign countries are not extraditable in the United States. Any contact on a foreign fugitive (i.e., hit confirmation) should be handled by:
 - a. Contacting the F.A.A.S. as soon as practical. F.A.A.S. will make the appropriate notifications to the United States National Central Bureau via NCIC.
 - b. The sworn member will complete all applicable reports prior to ending their tour of duty.
2. The person may be arrested on any other federal, state or local charges with adequate arrest probable cause or a pending arrest warrant.
3. Members will refer to the current written directive entitled, "Contact with Foreign Nationals."

F. Re-booking

1. Arrestees who are in custody and have been released from local charges or released Pending Further Investigation (PFI) and have additional outside felony warrants will require re-booking.
2. A note of the date and time the arrestee was released on the local charges will be made before re-booking the arrestee on the outside felony warrant.
3. Members will note the date and time the arrestee was re-booked and the case report number.
4. The sworn member will complete all applicable reports prior to ending their tour of duty.
5. The appropriate paperwork will be forwarded to F.A.A.S.

COLLECTING DNA SAMPLES

- A. A DNA Buccal Swab may be obtained by a detective for investigative purposes:
 - 1. By completing the Consent to Search, Form 155 P.D., or
 - 2. Obtaining a search warrant.
- B. Combined DNA Index System (CODIS)
 - 1. Prior to obtaining a DNA sample, the member will verify that the person was arrested for a qualified offense.
 - 2. To avoid duplicate collections from an arrestee, the member will also verify that a DNA sample has not been previously collected for the person by conducting a MULES computer check for DNA information.
 - 3. Prior to beginning the process for the release of the arrestee, a DNA sample will be collected from persons age seventeen (17) and older who are arrested for first or second degree burglary and/or any felony offense listed below:
 - a. Crimes against persons (Chapter 565, RSMo)
 - b. Sex Offenses (Chapter 566, RSMo)
 - c. Prostitution (Chapter 567, RSMo)
 - d. Crimes against the family (Chapter 568, RSMo)
 - e. Pornography (Chapter 573, RSMo)
 - 4. Members will notate that a DNA sample was collected on the Investigation Arrest Approval, Form 176 P.D. Questions regarding DNA sample collection requirements should be directed to a supervisor.
 - 5. Any arrestee who is required to provide a DNA sample will provide the sample without the right of refusal. In the event that a person's DNA sample is not adequate for any reason, the person will provide another sample for analysis.
 - 6. DNA sample collection based on Missouri State Highway Patrol (MSHP) notifications.
 - a. The arrestee will be notified of the required DNA sample and shown the MSHP notification.

- b. If compliant, a DNA sample will be taken from the arrestee.
 - c. If not compliant, no DNA sample will be taken from the arrestee. The arrestee's non-compliance will be documented and they will be informed the requirement will remain on their record.
 - d. If the arrestee is in the process of being transported or released, no DNA sample will be taken from the arrestee.
 - 7. DNA samples will be collected using only the state provided DNA sample collection kits by members who have been trained to collect DNA samples.
 - 8. After the DNA sample is collected and sealed in the self-addressed, stamped return envelope, the member will place the envelope in the outgoing mail.
 - 9. The MSHP must be notified within 90 days when the F.A.A.S. receives notification from a prosecutor that a case has been declined for prosecution.
- C. The F.A.A.S. Supervisor will:
- 1. Ensure that the MSHP Expungement Notification Form (SHP – 420) is submitted to the MSHP Crime Laboratory.
 - 2. Forward a copy of the MSHP Expungement Notification Form (SHP – 420) to the case detective who will ensure that the form is added to the case file.
 - 3. Affirm that the expunction process has been initiated on the Case Status Report, Form 327 P.D.